

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

ROCK THE OCEAN PRODUCTIONS, LLC,)	
)	
<i>Plaintiff,</i>)	
)	
v.)	Case No. 3:15-CV-410
)	
HUKA PRODUCTIONS, LLC, <i>et al.</i>)	Judge Collier
)	
<i>Defendants.</i>)	

MEMORANDUM & ORDER

Before the Court is a motion by Defendant Huka Productions, LLC (“Huka”) to allow it to file a dispositive motion. (Doc. 267.) Plaintiff, Rock the Ocean Productions, LLC (“Rock the Ocean”) opposes the motion. (Doc. 268.)

The deadline to file dispositive motions expired on April 28, 2017. (Doc. 148.) Trial is scheduled for December 12, 2017. (Doc. 167.) A scheduling order “may be modified only for good cause and with the judge’s consent.” Fed. R. Civ. P. 16(b)(4).

Huka argues it should be allowed to file a dispositive motion because Rock the Ocean has already not only been made whole, but received a windfall. (Doc. 267.) Huka draws this conclusion from three premises: (1) Rock the Ocean claims it is owed \$4,100,000 in damages; (2) Rock the Ocean has stated in discovery that the Tortuga Music Festival is worth between \$20,000,000 and \$40,000,000; and (3) Defendant H1 Productions, LLC (“H1”) sold its 65% interest in the Tortuga Music Festival to Rock the Ocean for \$2,500,000. From this, Huka concludes that Rock the Ocean has received a “value” of between \$13,000,000 and \$26,000,000 for a payment of only \$2,500,000, resulting in a “benefit” of millions of dollars in excess of the \$4,100,000 Rock the Ocean previously identified in damages.

Rock the Ocean points to the expiration of the dispositive motion deadline and the proximity of trial as reasons to deny Huka's motion. (Doc. 268.) Rock the Ocean also argues Huka's proposed dispositive motion would be frivolous, in that the settlement of Rock the Ocean's claims against H1 has no bearing on Rock the Ocean's remaining claims against Huka.

Rock the Ocean's response is well taken. Huka has failed to show good cause to modify the schedule and file a dispositive motion. Huka's motion (Doc. 267) is **DENIED**.

SO ORDERED.

ENTER:

/s/
CURTIS L. COLLIER
UNITED STATES DISTRICT JUDGE